



# Department of Planning, Housing, & Community Development

**Mayor, Matthew T. Ryan**

Director, Tarik Abdelazim

## **STAFF REPORT**

TO: Zoning Board of Appeals Members  
FROM: Patrick C. Day, Planner  
DATE: December 21, 2012  
SUBJECT: 257-263 Washington Street; Area Variance  
Tax ID #: 160.33-1-4, 160.33-1-5, 160.33-1-6, 160.33-1-7  
CASE: 2012-27  
COPIES: B. Seachrist, T. Costello, L. Webb (District 4), K. Findley, File

---

### **A. VARIANCE REQUESTED**

Kevin Findley has submitted an application for an area variance of minimum off-street parking for a proposed conversion of existing structures for a use of Multi-Unit Dwelling at 257-263 Washington Street, within the C-1, Service Commercial District. The proposed project would convert the structure located at the property known as 257 Washington Street (former location of The Boys' and Girls' Club) and the existing structure at 263 Washington Street for residential use, and install an off-street parking area at 259 & 261 Washington Street following the demolition of a structure existing on those two parcels.

The proposed project would result in 30 dwelling units containing 47 bedrooms. The 257 Washington Street property would contain 7 two bedroom and 12 one bedroom & studio units. The 263 Washington Street structure would contain 8 one bedroom and 8 units with 2 or more bedrooms. This amount of dwelling units would require a minimum of 37 off-street parking spaces be provided within 500 feet of the subject properties. The submitted site plan indicates that the newly constructed off-street parking area would contain 25 spaces. To operate the proposed use without providing the required minimum amount of spaces, an area variance for minimum off-street parking (12 spaces) would be required.

In granting an area variance, the Zoning Board of Appeals must find the applicant has adequately demonstrated the following:

- (a). **Undesirable change**: Whether an undesirable change will be produced in the character of the neighborhood, or whether a detriment to nearby properties will be created;
- (b). **Reasonable alternative**: Whether the Applicant can achieve his goals via a reasonable alternative that does not involve the necessity of an area variance;
- (c). **Substantial request**: Whether the variance requested is substantial;
- (d). **Physical and Environmental Conditions**: Whether the requested variance will have an adverse

impact on the physical or environmental conditions in the neighborhood or district;

- (e). ***Self-created hardship***: Whether the alleged difficulty was self-created, which consideration shall be relevant to the decision of the Zoning Board of Appeals, but shall not necessarily preclude the granting of the area variance.

The Zoning Board of Appeals, in granting an area variance, shall grant the minimum variance that it shall deem necessary and adequate, and at the same time preserve and protect the character of the neighborhood and the health, safety, and welfare of the community.

## **B. SITE REVIEW**

The proposed project involves two existing, connected buildings which occupy four tax parcels (257, 259, 261 and 263 Washington Street) located in the C-1, Service Commercial District. The subject parcels occupy the west side of Washington Street between Lewis Street and E. Clinton Street.

Land use in the vicinity of 257-263 Washington Street is a mix of commercial, institutional and residential. Uses in the vicinity of the subject property include: Sherwin Williams Paints, Firestone Auto Care, the City Light Café, First Assembly of God Worship Center, Broome Center for the Performing Arts and Bob Crowe Auto Center.

## **C. ADDITIONAL REVIEWS**

The proposed project requires Series A Site Plan / Special Use Permit approval for a Multi-Unit Dwelling.

## **D. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY**

23 E. Clinton Street: On December 21, 2013, Series A Site Plan / SUP Review Exception was granted for a yoga studio (applicant: Yaron Kweller).

1 Lewis Street: The Planning Commission granted Series A Site Plan / Special Use Permit Review approval for a mixed use project (Multi-Unit Dwelling & Commercial Use TBD) on October 3, 2011 (applicant: Tobey Kellam).

187 Washington Street: A Special Use Permit was granted to Christ Church in 1990 by the Planning Commission for the operation of a pre-school within the existing church building.

227-241 Washington Street: In 1989, the Zoning Board of Appeals granted two area variances regarding off-street parking requirements to Sarbro Realty to permit the construction of an office building.

245 and 249 Washington Street: In 1987, the Planning Commission granted a Special Use Permit to the First Assembly of God to use the building at 249 Washington Street as an accessory to the church and to use 245 Washington Street for parking.

5-7 Lewis Street: The Planning Commission approved a Series A Site Plan submitted by ISI Associates in 1998 to construct a parking lot.

## E. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Zoning Board of Appeals may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
  - a. Type I
  - b. Type II
  - c. **Unlisted**
2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing Determination of Significance based on:

|                                                                                                                                                                                                     |                                                                                                                                   |                                                                                                                       |                                                                                                                                         |                                                                                                    |                                                                               |                                                                                |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------|--------------------------------------------------------------------------------|
| Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems? | Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character? | Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species? | A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources? | Growth, subsequent development, or related activities likely to be induced by the proposed action? | Long term, short term, cumulative, or other effects not identified in C-1-C5? | Other impacts (including changes in use of either quantity or type of energy)? |
| <b>X</b>                                                                                                                                                                                            | <b>X</b>                                                                                                                          | <b>X</b>                                                                                                              | <b>X</b>                                                                                                                                | <b>X</b>                                                                                           | <b>X</b>                                                                      | <b>X</b>                                                                       |

5. Final Motion to Approve/ Disapprove.

## F. STAFF FINDINGS

Planning Staff has the following findings:

1. The Zoning Board of Appeals must determine if the requested variance will produce an undesirable change in the character of the neighborhood.

The subject properties are located in close proximity to BC Transit bus stops with regular service to locations throughout Broome County. The proposed project is consistent with the character of neighborhood; the requested area variance would not alter that consistency.

2. The Zoning Board of Appeals must determine if there are any reasonable alternatives to the proposed variances.

The proposed project will demolish a portion of an existing structure at the subject properties and install the maximum possible number of off-street parking in the resulting land area.

3. The Zoning Board of Appeals must determine if the proposed area variances are substantial.

The requested area variance for 12 parking spaces is not substantial, when considering the availability of public transportation and a public parking garage within close proximity to the subject properties.

4. The Zoning Board of Appeals must determine whether the alleged difficulty was self created.

The proposed project will install more off-street parking at the subject properties than has ever existed at the subject properties, including the time periods that all properties were fully occupied. In renovating the subject structures for less intense uses than have historically occupied them, the applicant has demonstrated significant effort to make use of the buildings in a code compliant manner.

## **G. ENCLOSURES**

Enclosed are copies of the site plan, the application and site photos.

Sincerely,

Patrick C. Day  
Planner

Enclosures